

Appl. No. 10/765,752
Reply to Office Action of January 9, 2006

REMARKS

Claims 12 - 19 have been added in order to alternately define the invention disclosed in the specification. Support for new claims 12 - 14 and 16 - 18 can be found in Figures 3 - 5 and supporting text. Support for new claims 15 and 19 can be found on page 12 of the specification.

In regard to the new drawings filed October 28, 2005, Applicants note that the last Office Action included an objection to the drawings in the Office Action summary. Applicants assume that this is simply left over from the last Office Action, and that the Drawings were acceptable to the Examiner. If this is not the case, Applicants respectfully request the Examiner contact Applicants by phone so that new drawings can be prepared expeditiously.

Applicants respectfully request reconsideration of Examiner's rejection of claims 1 - 11 under 35 U.S.C. §103(a). Examiner has rejected these claims in view of the cited references of *Zhou et al.* (U.S. Patent No. 6,205,274) in view of *Yanagawa* (U.S. Patent No. 6,865,143). The *Zhou* reference is directed to an optical header for coupling an edge emitter light source to an optical fiber (See the abstract of the invention). Figure 7, to which the Examiner cites, discloses a bidirectional communications system, including a light source 102 at an angled end 101A of an optical fiber 101. The end face of the fiber includes a partially reflective surface 105 between the fiber end 101A and a prism 104. Accordingly, most of the light from the light source 102 is reflected into fiber 101 and transmitted to a remote receiver. Some of the light, however, is transmitted through the coating 105 and medium 104 to a power monitor 103 that is capable of providing an output signal indicative of the intensity of the output by light source 102. When optical

Appl. No. 10/765,752
Reply to Office Action of January 9, 2006

signals are received along fiber 101, they encounter coating 105, which deflects a portion of the light downward toward light source 102. Light that is not reflected transmits through coating 105 and medium 104 before reading optical receiver 118. (See Column 7, line 56 – Column 8, line 9).

At no point, however, does *Zhou* teach or suggest the limitation wherein “said photoreceptor element is arranged outside a maximum diffusion range of the light emitted from said light-emitting element” as required by the claims. On page 2 of the Examiner’s January 9, 2006 Office Action, the Examiner states that “*Zhou* is silent on how light diffuses from the light source 102, but the dashed-lines radiating away from the light source 102 on Fig. 7A apparently indicate that the detector 118 would not be in the light-diffusion range.” Applicants disagree. More specifically, Applicants submit that the dashed lines in Figure 7A merely disclose one example of how two light rays emerging from the source 102 reach the detector 103. Without more, Applicants submit that such a disclosure cannot be relied upon in order to anticipate Applicant’s currently claimed invention.

Applicants note that § 2125 of the MPEP states that “The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art.” Applicants submit that one of ordinary skill in the art, in reading the specification and analyzing the drawings of the *Zhou* reference, would have gained no knowledge of the structural relationship between the light emitter 102 and the detector 118 to which Applicant’s invention is directed. The United States Court of Customs and Patent Appeals has held that “Ordinarily drawings which accompany an application for a patent are merely illustrative of the principles embodied in the alleged invention claimed therein

Appl. No.10/765,752
Reply to Office Action of January 9, 2006

and do not define the precise proportions of elements..." *In re Olson*, 41 C.C.P.A. 871, 874 (C.C.P.A., 1954). Furthermore, The United States Court of Appeals for the Federal Circuit has cited *In re Wright* with approval, in which the CCPA held that "absent any written description in the specification of quantitative values, arguments based on measurement of a drawing are of little value." *Hockerson-Halberstadt, Inc. v. Avia Group Int'l*, 222 F.3d 951, 956 (Fed. Cir., 2000), citing, *In re Wright*, 569 F.2d 1124, 1127, (CCPA 1977). Accordingly, Applicants submit that the Examiner's reliance on the drawings alone is unsupported by the *Zhou* specification, which fails to address the problem of the range of diffusion to which Applicant's invention is directed. Furthermore, Applicants submit that the drawings of the *Zhou* reference are merely illustrative of the invention disclosed in the specification, which is directed to the use reflecting surface 105 formed on an angled end of the fiber 101 which passes a portion of the light 102 emitted from the source to a monitor 103 for tracking the intensity of the light. Absent any further teaching regarding the critical relationship between maximum diffusion range of the light emitted from the light-emitting element and the photoreceptor, Applicants submit that the *Zhou* reference fails to teach or suggest anything regarding Applicant's currently claimed invention.

In apparent recognition of this, the Examiner also cited the *Yanagawa* reference in the January 9, 2006 Office Action as teaching "an optical signal detection structure where a light receiver 8 is located outside a diffusion range of source light (the diffusion range is indicated by A1 and A2) and the light receiver only receives light reflected by a beam splitter 10." The Examiner stated that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to place the light detector 118 outside

Appl. No. 10/765,752
Reply to Office Action of January 9, 2006

the diffusion range of the light source 102. The motivation would be to reduce or eliminate interference by light signal coming directly from the source, as the detector would only receive filtered or split light signal as intended.” (See pages 2 – 3 of the January 9, 2006 Office Action).

First and foremost, Applicants submit that the disc 1 is not a “light emitting element” as required by the claim. Rather, the light rays A1 and A2 are reflected from a surface of the disc 1 after being emitted from the laser source 8. There is absolutely no disclosure regarding the relationship of the photodiode mentioned in Column 2, line 43 of the reference, and the laser source / laser diode mentioned in Column 2, line 26 of the reference. Accordingly, the reference fails to teach or suggest anything regarding the limitations of the claims.

Furthermore, Applicants respectfully submit that the Examiner’s stated motivation to combine does not apply in this case. More specifically, as acknowledged by the Examiner, and disclosed in Column 2, lines 25 – 28, the *Yanagawa* reference is directed to an optical pickup 7 that includes a polarizing beam splitter 10 and a photodiode (not shown) included in the hologram laser unit 8. Since there is no need for a polarizer between the source and the detector in either Applicant’s invention or in the *Zhou* reference, and hence no need to avoid interference between un-polarized light A1/A2 and polarized light, there is no motivation to combine the references.

Appl. No.10/765,752
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Examiner's remaining references cited but not relied upon, considered either alone or in combination, also fail to teach applicant's currently claimed invention. In light of the foregoing, Applicants respectfully submit that all claims now stand in condition for allowance.

Respectfully submitted,

Date:

5/9/08

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